

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF JULY 5, 2005.

ATTENDANCE

COUNCIL: Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: Randy Menard – Chair (District 9), Louis C. Benjamin, Jr. (District 4)

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CFO), Gail Smith (Director of Administrative Services), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation)

COMMENCEMENT

(TAPE 1)(SIDE A)(029) AGENDA ITEM NO. 1: Call to order.

Vice Chair Rob Stevenson called the Regular Council Meeting of July 5, 2005 to order. He announced that Councilmembers Menard and Benjamin were out of town on business.

(TAPE 1)(SIDE A)(030) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Marc Mouton to give the invocation and lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(044) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT'S REPORT**

Director of Traffic & Transportation Tony Tramel recognized Johnny Sonnier, LCG employee, who had been recognized, through a national publication, as the “member of the month” for the National Municipal Signal Association. Tramel and Janella Batiste, Sonnier’s supervisor, presented Sonnier with a framed copy of the article from the magazine.

(TAPE 1)(SIDE A)(100) AGENDA ITEM NO. 4: **COUNCIL ANNOUNCEMENTS**

Councilmember Williams presented a proclamation to Marja Hooper for being recognized as “Acadiana’s Woman of the Year” at Faith House’s fifth annual Queen’s Gala. Ms. Hooper is an advocate and volunteer for domestic violence. Ms. Hooper thanked the Council for recognizing her.

RESOLUTIONS

(TAPE 1)(SIDE A)(168) AGENDA ITEM NO. 5: R-053-2005 A resolution of the Lafayette City-Parish Council acknowledging the Woodvale Avenue Traffic Calming Project and pending implementation, motion to adopt by Mouton, seconded by Conque, and the vote was as follows: YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson

NAYS: None

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was unanimously approved.

Stevenson requested that Tramel do a traffic study on Roselawn (speed and volume) before and after. Tramel agreed and stated the process had already started.

(TAPE 1)(SIDE A)(199) AGENDA ITEM NO. 6: R-054-2005 A resolution of the Lafayette City-Parish Council providing for the giving of a Notice of Intention to establish, acquire, construct, improve, extend and maintain a sewer system within a portion of the Consolidated Sewerage District of the City of Lafayette, State of Louisiana, (“District”) describing in a general

way the improvements contemplated and the manner of payment therefore, providing for the hearing of any objections to the proposed improvements and the manner of payment therefore, and providing for other matters in connection therewith (Guidry Road/Boss Drive area), motion to adopt as amended (*amendment being in Section 3, the last line it says Section 3 and it should be Section 2; all “therefore” throughout the resolution have been changed to “therefor”*) by Williams, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson,

NAYS: None

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was unanimously approved as amended.

(TAPE 1)(SIDE A)(215) AGENDA ITEM NO. 7: R-055-2005 A resolution of the Lafayette City-Parish Council declaring an annual participation goal of six percent (6.0%) for Disadvantaged Business Enterprises on U.S. Department of Transportation-Funded Contracts for the Federal Fiscal Year 2005/2006, motion to adopt by Bourgeois, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson,

NAYS: None

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was unanimously approved.

Jessica Walton, Small Business Coordinator, explained that the 6% was derived by the number of contacts anticipated on bidding. There was only one, which was the demolition of the old bus station, Ready, Willing & Able (disadvantaged business enterprises) and divided that by the number of all businesses by market area and came up with 5.5%. A weighted average of the previous goals achieved as also done. The medium was zero plus 11% divided by 2, which was 5.5% and rounded it off to 6%. In the last two years, projects that were anticipated were not bid so both years were at 0%. Williams requested that Walton provide the Council with the information on deriving at the 6% goal.

EXECUTIVE SESSION

(TAPE 1)(SIDE A)(281) AGENDA ITEM NO. 8: Zachary Aycock Morris, et al versus Lafayette City-Parish Consolidated Government, et al
United States District Court, Western District of Louisiana
Opelousas-Lafayette Division
Docket No. CV 04-2035 “L-O”
Risk Management Claim #: 0003643-001

A motion was offered by Bourgeois, seconded by Mouton, to go into executive session, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Conque, Mouton, Stevenson,

NAYS: None

ABSENT: Benjamin, Broussard, Menard

ABSTAIN: None

Motion was unanimously approved.

A motion was offered by Mouton, seconded by Broussard, to return to regular session, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson,

NAYS: None

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was unanimously approved.

A motion was offered by Mouton, seconded by Broussard to accept the settlement recommended by Risk Management, and the vote was as follows:

YEAS: Bourgeois, Broussard, Conque, Mouton, Stevenson,

NAYS: Badeaux, Williams

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was approved.

ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE A)(313) AGENDA ITEM NO. 9: O-182-2005 An ordinance of the Lafayette City-Parish Council repealing Ordinance Nos. O-229-2001 and O-338-2003 – 3. *Ordinance died for lack of a motion and a second.*

(TAPE 1)(SIDE A)(320) AGENDA ITEM NO. 10: O-183-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 78, “Streets, Sidewalks and Other Public Places,” Article I, “In General,” to add Section 78-3, which shall be entitled “Obstruction of Sidewalks and Public Rights of Way”, motion to adopt as amended (*amendment being to add to the end of subsection a “in the manner or to the extent stated in Section 73-3b”*) by Williams, seconded by Badeaux.

Williams explained that people are fixing or positioning basketball goals and sporting/athletic equipment on public rights-of-way and creating a public hazard. This ordinance would prohibit those type things from happening and allow enforcement. He urged adoption of this ordinance.

Bourgeois opined that Section 78-3(a) of this ordinance might be in conflict with the sidewalk vendors ordinance being prepared for consideration. Ottinger suggested the following be added to that section: “in the manner or to the extent stated in Section 73-3b”. The maker and second accepted the amendment.

Broussard inquired about the penalties. Ottinger explained that the ordinance states it a misdemeanor and it would bring into play Section 1-9 of the Code, which is general in application. It provides for a fine not exceeding \$500 or imprisonment for a term not exceeding 30 days or both.

The Vice Chair then called for a vote on the ordinance as amended, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Stevenson,

NAYS: None

ABSENT: Benjamin, Mouton, Menard

ABSTAIN: None

Motion was unanimously approved as amended.

(TAPE 1)(SIDE A)(437) AGENDA ITEM NO. 11: O-184-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 Operating Budget of the Lafayette City-Parish Consolidated Government by authorizing the receipt of Workforce Investment Act (WIA) revenues in the amounts of \$399,783 in the Adult Allocation, \$425,859 in the Youth Allocation, \$351,771 in the Dislocated Worker Allocation, \$45,775 Incentive Grant Funds awarded through Section 503 of the Workforce Investment Act and \$70,000 in Strategies To Empower People (STEP) funding from the Louisiana Department of Labor and appropriating same within the Department of Community Development, Workforce Development Division and the Department of Administrative Services, Workforce Investment Board Division Title I-B budgets, motion to adopt by Williams, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson,

NAYS: None

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE A)(462) AGENDA ITEM NO. 12: O-185-2005 An ordinance of the Lafayette City-Parish Council amending Section 74-18 of the Lafayette City-Parish Consolidated Government Code of Ordinances to provide for the publication of notice to an unknown or absentee owner prior to the conduct of work on property by the Department of Public Works, motion to adopt by Mouton, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton,

NAYS: Stevenson

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was approved.

Carroll explained the ordinance gives some latitude when a property owner is unknown and research is extensive, such as the case of the abandoned railroad. It allows for the placing of a sign on-site or publishing it in the newspaper for three (3) days prior to the beginning of the work.

Upon questioning by Williams, Ottinger explained that this ordinance, and O-186-2005, would not affect adjudicated properties because the government owns those properties, by definition. These ordinances deal with properties where the owners are unknown and are a last resort.

Conque expressed concern over the fiscal impact of publication of each parcel of land.

(TAPE 1)(SIDE A)(727) AGENDA ITEM NO. 13: O-186-2005 An ordinance of the Lafayette City-Parish Council amending Section 97-30 of the Lafayette City-Parish Consolidated Government Code of Ordinances to provide for the publication of notice to an unknown or absentee owner prior to the conduct of work on property by the Department of Public Works, motion to adopt by Conque, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton,

NAYS: Stevenson

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was approved.

(TAPE 1)(SIDE B)(000) AGENDA ITEM NO. 14: O-187-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$14,000 from Reserve to Contract Services-Abandoned Railroad Abatement within the Department of Public Works for additional funding needed. (District 3), motion to adopt by Williams, seconded by Badeaux, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson,

NAYS: None

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was unanimously approved.

Carroll explained that the \$14,000 was an estimate to go in and clear up the railroad right-of-way between Gilman and I-10. The initial estimate for the first clearing will be approximately \$8,000 with \$2,000 for additional clearings after that. The work will involve clearing out the area of any debris and then bush hogging. Williams requested that Carroll look into the utilization of inmate labor and asking BFI to assist in picking up the initial cleanup. Williams then inquired as to the legality of adjacent property owners taking over possession of these parcels once cleared. Ottinger advised that LCG should not do that because if an owner does appear, the adjacent property owner could be charged with trespassing. Upon questioning by Stevenson, Ottinger explained that if the taxes on a parcel are not paid after many years, the property is put up at a tax sale. If it is not sold, then it becomes adjudicated property. Stevenson requested that the Assessor be contacted to begin the process so the land can be sold.

(TAPE 1)(SIDE B)(178) AGENDA ITEM NO. 15: O-188-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by amending the manning tables of the Traffic and Transportation Department, Traffic Engineering Division, to reclassify an Engineer III position to Engineer II, motion to adopt by Mouton, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Conque, Mouton, Stevenson,

NAYS: Broussard

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was approved.

(TAPE 1)(SIDE B)(191) AGENDA ITEM NO. 16: O-189-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a utility easement and the granting of a utility easement on Lot 136 of Magnolia Park Subdivision, having a municipal address of 3601 Johnston Street, motion to adopt by Conque, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson,

NAYS: None

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was unanimously approved.

ANNOUNCEMENT OF VACANCY ON BOARDS/COMMISSIONS

(TAPE 1)(SIDE B)(201) AGENDA ITEM NO. 17: A vacancy exists on the Board of Zoning Adjustment to fill an unexpired term until January 19, 2007. This is an alternate position. Applicants must reside within the corporate limits of the City of Lafayette.

Individuals wishing to submit a resume for the above vacancy must be a registered voter and resident of the City of Lafayette. Resumes are to be forwarded to Norma A. Dugas, Clerk of the Council, P.O. Box 4017-C, Lafayette, LA 70502 no later than noon, Monday, July 25 with Council appointment to be made on July 26, 2005.

CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS

(TAPE 1)(SIDE B)(212) AGENDA ITEM NO. 18: Appointment of _____ to the Atchafalaya Trace Commission for an unexpired term until November 16, 2005. *No resumes were received. This position will be readvertised.*

(TAPE 1)(SIDE B)(216) AGENDA ITEM NO. 19: Appointment(s) by Council member(s) and/or City-Parish President and/or Area Mayors, and/or any other direct appointing authority.

<u>Appointing Authority</u>	<u>Appointee Name And Address</u>	<u>Board, Commission And/or Legal Agency</u>	<u>Term</u>	<u>Effective Date</u>
Area Mayors	Margaret Rucks 702 W. Bayou Parkway Lafayette, LA 70503	Lafayette Convention & Visitors Commission	4 years	8/05/2005

INTRODUCTORY ORDINANCES

(TAPE 1)(SIDE B)(227) AGENDA ITEM NO. 20 – 29: A motion was offered by Mouton, seconded by Conque, to adopt the following ordinances as introduction, in-globo, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson,

NAYS: None

ABSENT: Benjamin, Menard

ABSTAIN: None

Motion was unanimously approved.

- 20. O-190-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by adjusting revenues and expenditures for the Lafayette Parish Coroner’s Office.
- 21: O-191-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to allocate funding for salary adjustments approved by the Lafayette City-Parish Civil Service Board.
- 22: O-192-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to provide for mid-year adjustments of revenue and appropriation estimates.
- 23: O-193-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$184,932 from Reserve – Parish Jail to Parish Jail Facility Improvements Project within the Department of Public Works for additional funding needed.
- 24: O-194-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$4,500 from Council Reserve and appropriating same within the Traffic and Transportation Department to provide for the purchase and installation of needed traffic calming devices for the Woodvale Avenue Traffic Calming Project. (Districts 6 & 8)
- 25: O-195-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Intergovernmental Agreement with Lafayette Parish Waterworks District North relative to water lines that are in conflict with the Wadsworth/Longfellow Drainage Project and need to be removed and/or relocated and amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by recognizing new revenues from Lafayette Parish Waterworks District

North and increasing the Wadsworth/Longfellow Drainage Project \$39,193.00. (District 8)

- 26: O-196-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by recognizing \$165,000 of new revenues for Household Hazardous Waste Collection and Disposal Services and increasing Reserve – Household Hazardous Waste Services within the Department of Public Works for additional funding needed.
- 27: O-197-2005 An ordinance of the Lafayette City-Parish Council approving the appointment of McGlinchey Stafford PLLC as special counsel and authorizing the execution of a Contract With Special Counsel.
- 28: O-198-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances Chapter 86, “Traffic and Vehicles,” Article VI. “Stopping, Standing and Parking in City of Lafayette,” Division 2. “Penalties and Violation Procedures,” Subdivision 1. “In General,” Section 86-246, amending Chapter 2, “Administration,” Article III. “Finance,” Section 2-81, and adding Chapter 2, “Administration,” Article III. “Finance,” Section 2-82 allowing the Lafayette City-Parish Consolidated Government to charge the maximum permissible amount for checks received by the Lafayette City-Parish Consolidated Government which are returned as unpaid by reason of insufficient funds.
- 29: O-199-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a drainage servitude on Lot 4 of Mire Estates, having a municipal address of 121 Rost Road.

(TAPE 1)(SIDE B)(289) AGENDA ITEM NO. 30: Comments from the public concerning the above Introductory Ordinances. *No comments were made.*

ADJOURN

(TAPE 1)(SIDE B)(295) There being no further business to come before the Council, Vice Chair Stevenson declared the meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL